

REMARKS

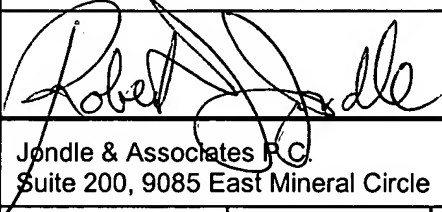
Claims 1- 8, 19-24, 27, and 34-35 and 38-40 have been amended, claims 9-10, 16-18 and 31 have been withdrawn and claims 15, 25-26, 30 and 36 have been canceled. These amendments are not intended to narrow the scope of these claims. The claims have been rewritten to place them in better form for examination and to further obviate the 35 U.S.C. §§102 and 112 rejections set forth in the Office Action dated March 22, 2004. It is believed that none of these amendments constitute new matter. Withdrawal of these rejections is requested.

The Examiner has objected to claims 15 and 30 under 37 C.F.R. 1.75(c), as being of improper dependent form. Applicant has canceled these two claims. Claims 35 and 38 have been amended to correct a typographical error. Claims 19-20 and 34 have also been amended to correct typographical errors.

The Examiner has rejected claims 1-8, 11-15, 19-24, 27-30, 32-35, 37 and 38 under 35 U.S.C. §112, second paragraph, as being indefinite. More specifically, the Examiner has indicated that in section "b" of each of claims 1 and 27, the limitation "said herbicide" is indefinite. Applicant has amended these claims to include the term "glyphosate" before "herbicide." The Examiner has also indicated that the term "desired" in claims 1-8 and 21-24 renders these claims indefinite. Applicant has amended these claims to omit this term. The Examiner has also indicated that claim 27 is indefinite for failing to recite a positive process step that refers back to the preamble of the claim. Applicant has amended claim 27 as suggested by the Examiner. Withdrawal of these rejections is respectfully requested.

Claims 39 and 40 are rejected under 35 U.S.C. §102(e) as being anticipated by Loh et al. (US Patent Application 2002/0058327 A1). Applicant has amended claims 39 and 40 to recite the limitation of "glyphosate resistant." Withdrawal of this rejection is respectfully requested.

In view of the above amendments and remarks, it is submitted that the claims satisfy the provisions of 35 U.S.C. §§102 and 112. Reconsideration of this application and early notice of allowance is requested.

RESPECTFULLY SUBMITTED,					
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